



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 20 2004

THE HALVORSON LAW FIRM
405 W SOUTHERN AVENUE
SUITE 1
TEMPE, AZ 85282

#16

In re Application of
Lee Roy Copeland et al
Serial No.: 09/478,071
Filed: January 3, 2000
Attorney Docket No.: 511-003

:
:
: PETITION DECISION
:
:

This is in response to the petition under 37 CFR 1.181, filed June 14, 2004, for withdrawal of abandonment of the above identified application.

A review of the file history shows that the examiner mailed a Final Office action to applicants on April 18, 2002, setting a three month shortened statutory period for reply. Applicants filed an amendment after Final Office action on July 15, 2002. This reply was considered and entered by the examiner, but did not place the application in condition for allowance as reported in an Advisory Action mailed August 11, 2002 (copy enclosed). No further reply was received and a Notice of Abandonment was mailed to applicants on December 2, 2002. It is noted that both the summary sheet and the penultimate page of the April 18, 2002, Office action state that this is a Final Office action. The only acceptable reply to a Final Office action is an amendment which *prima facie* places the application in condition for allowance, a Notice of Appeal or the filing of continuing examination papers (RCE). None of these were filed. The abandonment is therefor, proper.

It is further noted that this petition was filed more than 18 months after the Notice of Abandonment was mailed to applicants and is therefore untimely under 37 CFR 1.181. This application may be revived only by filing a petition under 37 CFR 1.137(b) accompanied by a terminal disclaimer, see M.P.E.P. 711.03(c).

The petition is **DENIED**.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 703-872-9306.


Bruce M. Kishiuk
Director, Technology Center 1600